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2	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO
3	WESTERN DIVISION
4	
5	JACQUELYN MARES, M.D., :
6	Plaintiff, : Case No.: 3:20-cv-00453
7	-v- : Judge Newman
8	MIAMI VALLEY HOSPITAL, et al.,:
9	Defendants. :
10	
11	* * * * * * * *
12	
13	The deposition of <b>SUSAN EDWARDS, Ph.D.,</b> taken via videoconference, before Debra A. Sprague, Certified Court
14	Reporter and Notary Public in and for the State of Ohio, on
15	the 20th day of July, 2022, beginning at the hour of 2:05 p.m., and ending at the hour of 3:16 p.m.
16	
17	
18	
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24	ALSO PRESENT:	THOMAS NGUYEN, RISK MANAGER	
25		Premier Health Partners ALBERT F. PAINTER, M.D.	

STIPULATIONS The deposition of SUSAN EDWARDS, Ph.D., a witness herein, is taken at this time pursuant to the Federal Rules of Civil Procedure and notice; that the deposition may be taken via Stenomask by the Notary Public/Court Reporter, and transcribed out of the presence of witness; that the transcript was made available to counsel, for the witness for reading and signature. 

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1		INDEX TO EXHIBITS:		
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9	BBBB	(Patient Safety Report WPMC 4 May)	37	
10		* * * * * * * *		
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25				

COURT REPORTER: Good afternoon. My name's Debbie Sprague; I'm the court reporter. Since we have had other depositions in this matter, I'm going to assume there is no objection to the remote method and the remote swearing in of the witness; if there is, just please so state.

MR. MEZIBOV: Nope, not from me.

MR. PIERSALL: No objection.

COURT REPORTER: Thank you. And for the witness' behalf, again, if you could just make sure to speak up, maybe speak a little bit slower than you might normally, towards the microphone. We want to make sure we have a complete and clean record.

If you could pause slightly after the question in case counsel needs to object would be appreciated as well as if during an answer if you hear someone start to speak over you, if you could pause as well as the other individual, so that we only have one person speaking at a time. Again, it's so that we get as clean and complete a record as possible.

And at this time, if I can please have the witness state and spell her name for me, please.

COURT REPORTER: Thank you. Obviously I see

SUSAN EDWARDS, Ph.D., called as a witness, being first duly sworn, was examined, and testified as follows:

25

```
7
 1
                MR. MEZIBOV: Good afternoon, Dr. Edwards.
 2
                THE WITNESS: Good afternoon.
 3
                MR. MEZIBOV: My name is Marc Mezibov.
           represent Dr. Mares. I'm going to be asking you some
 5
           questions this afternoon.
 6
                Have you been through this process before?
                THE WITNESS: No, this is my first deposition.
                MR. MEZIBOV: Well, I'm sure you'll enjoy it. It
 8
 9
           won't as long -- won't take as long as you may like,
10
          but I'll try to extend it as long as I can.
11
                Debbie gave you a good introduction as to what
12
          we're trying to accomplish here. I'm asking you
13
          questions which are intended to be purposeful. So I --
14
           I do want to hear your answer and I want your answer to
15
          be full of factual goodies. So I want you to
16
          understand my question; and, if you don't, please
17
           indicate that and we'll work until you're -- you're
18
           comfortable. Okay?
19
                THE WITNESS: Thank you.
20
                MR. MEZIBOV: And once again, as Debbie reminded
21
          us, please let me finish my question before you begin
22
          your answer. I'll want an answer -- hear your answer
23
          before I begin the next question. Okay?
24
                THE WITNESS: Absolutely.
25
                MR. MEZIBOV: And finally, even though you're on
```

```
8
           TV and I can see you and you could nod yes or no, that
 1
 2
           won't cut it for our purposes. You have to say yes,
 3
           no, something audible. Okay?
                THE WITNESS: Okay.
 5
      BY MR. MEZIBOV:
 6
                Q
                     All right. Are you employed at the present
 7
      time?
 8
                Α
                     Yes.
 9
                Q
                     Where are you employed?
10
                Α
                     Wright State University.
11
                     And what is your position at Wright State
                Q
12
      University?
                Α
13
                     President.
14
                0
                     President?
15
                Α
                     Yes.
16
                Q
                     And how long have you been president of
17
      Wright State University?
18
                     For two and a half years.
                Α
19
                     So that would be approximately when?
                Q
20
                     December -- January 1st, 2020.
21
                     All right. Now, that's -- I know you're
22
      employed as president.
23
                What is your profession?
24
                     I am a physiologist.
                Α
25
                     Did you say physiologist?
                Q
```

```
9
 1
                Α
                     Yes.
 2
                     You're not an M.D.; is that correct?
 3
                Α
                     No, I taught the M.D.s.
                     You taught M.D.s?
                Q
 5
                Α
                     Yes.
                     What have you taught M.D.s?
 6
                Q
                     Human physiology because it's critical to
                Α
 8
      actually what they do.
                     Have you ever performed any functions or --
 9
                Q
10
      Well, let me see.
11
                Have you ever performed any functions as an OB/GYN
12
      specialist of some sort?
13
                Α
                     No. I am a basic scientist.
14
                     All right. So I take it you've never
                Q
15
      delivered a baby?
16
                Α
                     No.
                     You've never worked in an OB/GYN department?
17
                Q
18
                Α
                     No.
19
                     Do you have any relationship to the WKU (sic)
                Q
20
      Premier OB/GYN residency program?
21
                Α
                     No.
22
                     No, you do not?
                Q
23
                Α
                     No, I do -- I am not associated with that
24
      program.
25
                     Have you ever performed any functions which
                Q
```

Case: 3:20-cv-00453-MJN Doc #: 51 Filed: 09/12/22 Page: 10 of 46 PAGEID #: 792 10 1 affected residents in the OB/GYN program? 2 Can you specifically state what that question means, please? 3 4 Well, I note in this -- in this case, it's my Q 5 understanding that you weighed in on the dismissal recommendation concerning my client; is that correct? 6 7 It is. It is, from our capacity. And it was not directly -- yes, it impacted the program, but it was an 8 individual decision made upon a resident that was under our 9 10 graduate medical program. Is that what you're asking about? 11 Yeah. I apologize. I'm having a little difficulty understanding. I don't know whether it's just 12 13 the sound system. 14 I thought you were asking me if I personally 15 have been a member of that program. 16 Well, let me ask you that. Have you been a 17 member of that program? 18 Α I am not a member of that program, no, and 19 have not been a member of that program. 20 As an institution, we participate in that program. 21 But I personally have not been involved as a member of that 22 program.

Q Is it correct that with respect to Dr. Mares, you provided a decision on January 9th, 2019, that she be dismissed from the program?

23

24

25

```
11
 1
                Α
                     Yes.
 2
                     And how did that come about?
 3
                     So as per due process, the student had
 4
      undergone a series of reviews in terms of a conduct issue
 5
      at -- and I was the final deciding factor based on all the
      evidence that came to me.
 6
 7
                     Okay. I'm going to ask you before we --
                Well, before we get to that, let me ask you to
 8
      look at Exhibit 29, please.
 9
10
                Α
                     Yes. Yes.
11
                     Okay. Have you seen 29 before?
12
                     Yes, it was in the packet that Dr. Mares
                Α
13
      provided me in her appeal.
14
                     And what was --
                0
15
                What other items were contained in that packet
16
      that you were provided?
                     Gosh. If I had it right in front of me, I
17
18
      could tell you all the items that she -- she provided me.
19
                But I will also tell you that it wasn't just hers.
20
      It was information that was provided to me from the CCC, the
21
      Competency Committee decisions, the -- the full transcript
22
      of the panel hearing that she went through --
23
                Q
                     Can we --
24
                     The --
                Α
25
                     Can we -- Can we go through those as best you
                Q
```

```
12
 1
      can, slowly, one-by-one, so I can take those down.
 2
                     I mean pretty much everything that you got
 3
      came from actually my file, so that...
                Q
                     Well, let -- let's back up a minute.
 5
                The reason -- why -- Why were you sent this packet
      of information?
 6
 7
                     Because I had received a recommendation based
      upon the information that they had received from Dr. Zryd
 8
      and Dr. Dunn.
 9
10
                Q.
                     And was this process, which resulted in you
      receiving this packet of information, was that part of the
11
12
      due process --
13
                Α
                     It is --
14
                     -- given --
                0
15
                     -- part of the -- It is part of the due
                Α
16
      process, yes. The student had the right to appeal the
17
      decision.
18
                     And this is part of the appeal process; is --
                Q
19
                Α
                     Yes.
20
                     -- that correct?
                Q
21
                Α
                     Yes.
22
                     So you were -- you received items -- we'll
                Q
23
      get to that -- not only from Dr. Mares, you also received
24
      items from the program?
25
                Α
                     Yes.
```

```
1.3
 1
                Q
                     All right. Now, can we go through those
 2
      items as best you can recall what they were?
 3
                MR. PIERSALL: Do you want her to do it off
 4
           memory, Marc?
 5
                MR. MEZIBOV: Well, if she has the actual items,
           that's fine with me.
 6
                THE WITNESS: So you have --
 7
      BY MR. MEZIBOV:
 8
 9
                     I mean, if you have a list of them that...
10
                What -- What are you looking at?
11
                     Dr. Mares' appeal.
                Α
12
                Q
                     Okay.
13
                     And I'm happy to go through each one of
                Α
14
      these.
15
                     Just tell me what -- Yeah, just tell me what
                Q
16
      the items were, sure.
17
                     So I have a letter from her stating that she
18
      is formally appealing the decision to terminate her form the
19
      obstetrics and gynecology residency program.
20
                     All right. Just a second. Give me a second.
21
                Is that -- Is that what I called item 24 a minute
22
      ago?
23
                     No, that's -- that is the next thing is the
                Α
24
      written appeal is what you said was item 24.
25
                MR. PIERSALL: 29.
```

```
14
      BY MR. MEZIBOV:
 1
 2
                Q
                     Okay.
 3
                Α
                     Correct, 29 is -- is --
                0
                     29.
 5
                Α
                     -- the written appeal, which is multiple
 6
      pages long in which she states the process that she has
 7
      undergone and why she was given the decision.
 8
                Q
                     Right.
                     She also provides patient safety report which
 9
10
      was part of her packet, which was a patient safety report at
11
      Wright-Patterson Medical Center on the 4th of May.
12
                She also supplies to me faculty letters received
13
      from a number of individuals. And then she provides some --
14
      some letters from her fellow residents.
15
                     Okay. And that's the complete packet from
16
      Dr. Mares?
17
                     Yes.
18
                     Now, you said you received items from the
                0
19
      program.
20
                     So I received a letter dated May 18th, 2017,
21
      that is Boonshoft School of Medicine, a letter of warning
22
      and concern to Dr. Mares.
23
                So I also have where she -- they put her on a
24
      leave of absence, okay.
25
                     Okay.
                Q
```

A And then she was placed on probation. So there's a notification about probation.

Then I received a Critical Competency Committee outcome and their decision, the vote, which was to remove her from the program.

Q To -- to allow --

A Sorry. Not to remove her from the program. Their -- The recommendation that came from that committee was here, despite formal probation and repeated feedback, you have -- so basically they said they have five days to appeal their decision, which was to place her on administrative leave immediately. And --

Q Who -- who signed -- Who signed that letter?

A Theodore Talbot.

Q Okay. By the way, did you ever speak with Dr. Talbot about any of this?

A No.

Q Okay.

A No, I didn't. I basically get all of the chain of evidence to make the decision. I do not communicate with anybody else.

Q What other items did you receive?

A I received notification -- sorry. I received the transcript from an appeal committee that she went through, which was -- I don't have that printed out 'cause

you received?

A Sure. So the other thing that I -- Well, that was the letter actually which initiated the -- the decision, as I understand that. So it had gone through the CCC. It had gone through the -- the panel, the hearing, separate hearing panel. And the decision was made by Drs. Zryd and Dunn that it was a terminable situation. That made -- triggered the appeal.

Q Is there anything else you looked at?

A Okay. Sorry. No, I think the -- the last thing in there is my -- my decision.

Q How much time did you spend reviewing the material that you received?

A I would say that I took quite a lengthy
period of time because I read every piece of information
that came in, and I re-read it. And it took over a week for
me to make the decision, 'cause I did not make it lightly.

Q Is there any other information that you considered in making your decision, other than what you've told us?

A Just the evidence that they presented to me.

Q Anything other than what's in that packet?

A No. I have the transcript, the entire transcript of the panel, absolutely.

Q All right. And did you speak with Dr. Dunn?

```
18
 1
                Α
                     No.
                          In fact, Dr. Dunn knows that this is a
 2
      part of the process and I was just informed that there was a
 3
      instance of a student receiving discipline action that was
 4
      going to be sent to me for appeal. And I -- No names were
 5
      ever named.
 6
                     Okay. And did you ever speak with Dr. Zryd?
                     No. I think I've only had four -- three
 7
      conversations with Dr. Zryd and they've all been related to
 8
      other issues.
 9
10
                     Anybody in the program --
                Q.
11
                You've told us you did not speak with Dr. Talbot
12
      ever?
13
                     I -- I wouldn't even -- If Dr. Talbot was in
14
      this room, I would not recognize him. I do not know him.
15
                     Okay. Fine. Dr. Painter?
16
                     Dr. Painter, I do know. But, no, I never
17
      spoke to Dr. Painter about this issue.
18
                     You've never talked with Dr. Painter about
                Q
19
      this issue?
20
                     No.
21
                0
                     Dr. Yaklic?
22
                Α
                     No.
23
                     Or anybody else associated with the program?
                Q
24
                Α
                     No.
25
                     So everything you know about Dr. Mares and
                Q
```

```
2.0
 1
      grant a degree, in this case it's not a degree, to somebody
 2
      who's not proved to be competent and needs to be on
 3
      probation.
                     Did you ever discuss that matter or
                Q
 5
      communicate your concerns about that to any of the
 6
      panelists?
 7
                     No, because it was logical.
                     Because it was logical? So you're saying the
 8
 9
      panelists were illogical?
10
                     I'm saying that that was an illogical step,
                Α
11
      yes, in my mind.
12
                     But again you never shared that with anybody?
13
                          Again, the process is that I'm to make a
                Α
14
      decision based upon all the information.
15
                     What is the --
                0
16
                     This is about --
17
                     What is the purpose for the due process
18
      hearing, as you understood it?
19
                     It's basically to read all the -- all the
                Α
20
      evidence and information that has been supplied and also
21
      supplied to Dr. Mares and to make the assessment with her
22
      side of the case as well. So looking at a, you know, fair,
23
      impartial situation.
24
                     Well, what -- what's the purpose of having
                0
25
      the hearing panelists?
```

```
2.1
 1
                Α
                     That's not my purview.
 2
                     So you don't know what the purpose is?
 3
                Α
                     I would assume it's to do the same thing.
                     All right. Well, what's the --
                Q
 5
                Do you know why the panelists were assigned those
      -- their responsibility and that their -- their
 6
      recommendations are rejected? Does that make sense to you?
                MR. PIERSALL: Objection. You can answer to the
 8
 9
           extent you have an opinion.
10
                THE WITNESS: Okay. I cannot make any statement
11
           on that because I was not part of that decision-making
          process as to who was on the panel and who was not on
12
13
          the panel.
14
      BY MR. MEZIBOV:
15
                     Well, then you don't know whether the -- the
16
      process is valid or not if you don't know anything about the
17
     panelists or what their --
18
                    I --
                Α
19
                     -- role is; is that right?
20
                MR. PIERSALL: Objection. You can answer.
21
                THE WITNESS: As I would understand, they're
22
           actually following a set of guidelines that are
23
           outlined in the resident's right to appeal.
24
      BY MR. MEZIBOV:
25
                     Right. But you understand that having the
                Q
```

```
2.2
 1
      panelists participate in this process is part of the
 2
      process, is part of the due process?
 3
                Α
                     Yes. But I don't get to say who's on that
 4
      panel.
 5
                     Understood. You don't get to say -- Well, it
                Q
 6
      doesn't matter.
                Is there a reason why you did not express the
      reasons why you affirmed the dismissal and rejected --
 8
                     I think I --
 9
                Α
10
                     -- and rejected the panelists'?
11
                     I think I did. I think I said that based
                Α
12
      upon the evidence being presented to me, I stand with the
13
      decision made by the dean of the Medical School and the head
14
      of the medical program at Premier Health.
15
                     Are there things that Dr. Mares said to you
16
      in her letter with which you disagreed or were unwilling to
17
      accept?
18
                          I think what she said to me in her
                Α
                     No.
19
      letter, she admits that she had some -- some issues; she
20
      admitted that.
21
                     Okay. Assuming that she admitted that, does
22
      that mean she's -- she must be dismissed?
23
                MR. PIERSALL: Objection. You can answer.
24
                THE WITNESS: So this is not one instance.
                                                             This
25
           is based upon multiple instances of actions that Dr.
```

Mares had been involved in. And she had been informed and given feedback along the way and corrective action was not taken.

My job is to ensure that anyone associated with Boonshoft School of Medicine is both competent, which clearly that's not the case here, but also professional and ethical.

## BY MR. MEZIBOV:

Q Do you know what the panelists' mission was when they were selected to serve on that panel and make recommendations?

A That is not for me to answer. I was not actually part of that panel. And again, that panel was appointed by others, not myself.

Q But my --

A I was to --

Q -- quest is -- I understand. But do you -- do you know what --

MR. PIERSALL: Marc, let her finish. Go ahead.

BY MR. MEZIBOV:

Q I'm not meaning -- Please. I'm not meaning to cut you off, Dr. Edwards.

A I would assume that their job is to review the materials and they had witnesses that they -- that questioned, and they were then to determine what their

2.4

recommendation, again, would be. Again, it's a recommendation.

Q I understand. Do you know that their responsibility was to determine whether there was sufficient evidence to support the recommendation of dismissal and that they found that there was not substantial evidence to recommend dismissal? Do you know that?

A In the sense that I would assume what they had to do is assess all the material and interview the witnesses.

I cannot make an assumption as to what they had predetermined or post-determined.

Q Well, assume what I'm telling you is true, that their burden is to -- not their burden -- their responsibility is to determine whether there is substantial evidence to support -- to support the recommendation of dismissal and that when they made their recommendations, they found that there was not substantial evidence to support that recommendation.

Knowing that, does that change your -- your view of their opinion --

A No.

Q -- and its significance?

A No, because the previous committee, which involved multiple individuals, not just three individuals,

actually came up with the recommendation that the individual, you know, goes down this path.

So I have six, I think it was six to three or six to two, I can't remember off the top of my head, but --

Q That was the CCC, six to two.

A CCC, yes. So I do not know these individuals or their biases when they actually took part in the -- the process. I can only, again, assess the evidence.

Q So was the panel's recommendation, the hearing panel's recommendation have anything to do with the due process that Dr. Mares received?

A She did receive due process. The panel was part of the due process.

Q Well, explain to me, if the panel is part of the due process and nobody accepts their recommendation that there was not substantial evidence to support the dismissal recommendation, how has Dr. Mares received any due process from the -- the panel's participation in this process?

A So --

MR. PIERSALL: Objection as to form. You can answer, if you understand it.

THE WITNESS: All I can say is, the panel came up with a series of recommendations that were not workable in terms of making sure that this was individual was competent and ethically capable of conducting the work.

```
26
 1
           That's all I can say.
 2
                MR. PIERSALL: Hey, Marc. Can we go off for one
 3
           minute, 'cause it's about 85 degrees in this room?
                MR. MEZIBOV: I was going to let you boil --
 5
                MR. PIERSALL: Let us cook.
                MR. MEZIBOV: -- 'til it hit 90 at least. Go
 6
           ahead.
                MR. PIERSALL: Give us -- We're going to go away
 8
 9
           and fix this and come right back, okay?
10
                MR. MEZIBOV: Okay.
11
                COURT REPORTER: You're off the record.
12
                     (OFF THE RECORD - 2:32 to 2:39)
13
                COURT REPORTER: You're back on the record.
14
                MR. MEZIBOV: Thank you.
15
      BY MR. MEZIBOV:
16
                   Dr. Edwards, let's look again at Exhibit 16.
17
      Well, I don't know if it's again, but could you look at 16?
18
                Α
                     Yes, sir.
19
                     All right. That's the letter that --
                Q
20
                     That was sent in the --
21
                     -- contains -- that contains the
22
      recommendations from the hearing --
23
                Α
                     Yes.
24
                    -- panel, correct?
                0
25
                Α
                     Yes.
```

2.7

```
1
                Q
                     And I asked you which, if any, of the
 2
      recommendations could not be followed as far as you were
 3
      concerned. And you pointed out number one, that Dr. Mares
 4
      will remain on probation until her graduation from the
 5
      program; is that correct?
 6
                Α
                     Yes. Yes.
                     And you said that's, what, infeasible for
 7
 8
      some reason?
 9
                Α
                     Yes.
10
                     And if they had recommended that Dr. Mares
      remain on probation until no earlier than or no later than
11
12
      six months from her graduation, would that have been
13
      acceptable to you?
14
                MR. PIERSALL: Objection. You can answer; don't
15
           speculate.
16
                THE WITNESS: That's -- That would be speculation,
17
           and I -- I would have to look at them in context.
18
      BY MR. MEZIBOV:
19
                     You'd have to look at what, the context?
                Q
20
                     Yeah. So I -- I can't speculate because it's
21
      not what they wrote.
22
                     What about the second recommendation?
                Q
23
                     As what I could do -- ascertain -- I'm sorry.
24
      Excuse me. -- she had already been assigned a mentor and
25
      they were meeting and instances were still occurring.
```

```
28
 1
                Q
                     Do you know who her mentors were?
 2
                     Off the top of my head, I could not recall
                Α
 3
      their names.
                     Whoever he or she was, you never spoke to
                Q
 5
      that person, correct?
 6
                Α
                     No.
                     What about the third recommendation?
                0
 8
                     Well, I can only say that it appeared from
 9
      where we're at, that she was not following academic and
10
      professional standards contained in the policies and
11
      procedures.
                     What -- What about number four?
12
13
                     Again, she had been meeting with a mentor.
                Α
14
      She was receiving feedback. Her behavior had not been
15
      corrected.
16
                     So is there any recommendation, other than
17
      the first one you gave us the reasons, that just on the
      surface is unworkable?
18
19
                     I think clearly, you know, it's -- they're --
                Α
      they're really not that workable --
20
21
                Q
                     Okay.
22
                     -- in a professional context.
                Α
23
                     They're not workable because why?
                0
24
                     In a professional context.
                Α
25
                     In a professional context, is that --
                Q
```

```
29
 1
                Α
                     Yes.
 2
                     -- what you said?
 3
                Α
                     Yes.
                     Did you read, and I take it you did, the
                Q
      letter dated December 3rd, 2018, from Dr. Dunn and Dr. Zryd?
 5
 6
                Α
                     Yes.
                     And in that letter, the second paragraph.
                MR. PIERSALL: Which exhibit is it, Marc?
 8
 9
                MR. MEZIBOV: 17. I'm sorry.
10
                MR. PIERSALL: Got it.
11
      BY MR. MEZIBOV:
12
                     All right. In the second paragraph, Drs.
13
      Dunn and Zryd said, These additional documented incidents
14
      occurred subsequent to you having been placed on probation
15
      in March 2018, for deficiencies in professionalism and
16
      interpersonal communications. They go on to say, Moreover,
17
      concerns have been raised regarding your deficiencies in
18
      critical communications obligations.
19
                Did you accept that statement as true?
20
                     In -- In my decision making?
21
                     Yes.
22
                     No. I actually went through all the
                Α
23
      documentation that came in, and professionalism and
24
      interpersonal communication were key.
25
                I will say, I did receive a copy of the
```

```
30
      communications issue as part of the evidence and I --
 1
 2
                     You did? Did or did not? I'm sorry. I
 3
      couldn't hear.
                Α
                     Did.
                           I did.
 5
                Q
                     You did?
 6
                Α
                     Yes.
                     What were those --
                0
 8
                Α
                     Yes.
                     What was that evidence?
 9
                Q
10
                Α
                     It was an -- It was a communication that was
      sent to her from her, I guess attending. I -- I can't
11
12
      remember. And it was highlighting something that she had
13
      done in terms of reporting or not reporting. I would -- I
14
      assumed that that's associated with critical communication,
15
     whether or not you're communicating well with your attending
16
      to actually report, you know, what -- what's happening on a
17
     particular case.
18
                I can't tell you off the top of my head. I do not
19
     have it in front of me right now. But it was from
20
      Wright-Patterson Air Force Base.
21
                     Wasn't that from Dr. Lo?
22
                     I cannot tell you off the top of my head.
                Α
23
                     Look Again at Exhibit 29, on the fourth page,
24
      I believe -- final page.
25
                     Yes.
                Α
```

```
31
 1
                Q
                     It says, As for the patient safety report...
 2
      Is that what you're referring to?
                     No, this -- that's actually -- that is
 3
                Α
 4
      actually Dr. Mares' document. I'm talk --
 5
                Q
                     Yes. But she -- She's referring to a patient
 6
      safety report, which --
 7
                Α
                     She's --
                     -- she's enclo --
 8
                Q
                     She --
 9
                Α
                     Let me finish my question.
10
                0
11
                She has included in this letter a patient safety
12
      report. She says, I have enclosed a copy for your perusal.
13
      You will see that nothing was entered incorrectly.
14
                Is that -- Is that what you're referring to?
15
                     No. I'm referring to a communication that
                Α
16
      was sent to her that was pointed out that she was like --
17
      it's somewhere in this pile.
18
                It was a patient safety report at Wright-Patterson
19
     Medical Center on the 4th of May. And yes, it was from
20
     Nancy Lo --
21
                     Right. And do you know --
22
                     -- the morning --
                Α
23
                     -- that Dr. Lo told her that she had met
                0
24
      standards, that she wasn't being disciplined for that?
25
                     It says recommendation, that -- that the OB
                Α
```

resident needs to stop in the nursing station and ask for the patient and communicate in capital letters, with the nurse caring for the patient.

So that is the -- the instance of the critical communication.

Q Well, but did you understand that she had met standards, that she was -- was not being disciplined for that?

A I -- I cannot tell you in terms of this particular email because I don't know. I mean, it's very clear when you -- when you're a supervisor, you know, type in capital letters, that's a clear unhappiness with your communication.

Q Doesn't she say standards have been met?

A No. It says that the reason for this is because there's a lack of communication between the OB resident and the nurses take -- caring for the patient.

Q And in that letter does she say your standards have been met?

A I cannot see that, that wording.

MR. MEZIBOV: All right. Well, I'll have to take a break then so I can get that. Can we -- Give me five minutes, okay?

MR. PIERSALL: Sure.

COURT REPORTER: You're off the record.

33 (BREAK - 2:48 to 2:59) 1 2 COURT REPORTER: You're back on the record. 3 BY MR. MEZIBOV: I apologize for the delay. Q 5 But Dr. Edwards, do you still have that letter 6 from Dr. Lo? 7 Yes, I have it. Yes, I do. All right. Just I'm asking you -- I don't 8 9 have it all collated, that's why was having a problem out 10 there. 11 But on that record there should be a email May 12 10th, 2018, 8:04 a.m., from --13 Α Yes. 14 -- Dr. Lo. 0 15 Α Yes. 16 It says, Dr. Mares, thank you for your 17 documentation of this incident. I agree that the standard 18 of care was met. I appreciate that you understand the 19 differences in systems-based management at our facility and 20 at Miami Valley Hospital. I will be submitting my own 21 recommendation as per -- recommendation to our safety 22 coordinator and will incorporate your findings. Patient 23 safety reports are not meant to identify system -- are meant 24 to identify system-based problems and correct errors. They 25 are not meant to be punitive. Your resignation is not

```
34
 1
      necessary.
 2
                All right. Did you -- Did you ever read that?
 3
                Α
                     Yes.
 4
                     All right. Do you know whether Dr. Mares had
                Q
 5
      an opportunity during the course of her hearing to address
 6
      that issue or the issue with any patient safety report?
 7
                     It is my understanding based upon the email I
      had, that she did attempt to -- to do that.
 8
                     At the -- At the time of the hearing?
 9
                Q
10
                Α
                     No, I -- it was to her supervisors, as I
11
      know.
12
                     Okay. Is that based on what you read in the
13
      December 3rd letter from Dr. Dunn and Dr. Zryd?
14
                     No. It's based upon the emails I received
                Α
15
      that -- from Jackie herself based upon communications in May
16
      of 2018.
17
                Q
                     Did you receive those directly?
18
                     Yes, from --
                Α
19
                     From whom?
                Q
20
                Α
                     -- Jackie Mares.
21
                     In her letter to you?
                0
22
                     Yes, it was her -- part of her evidence
                Α
23
      packet.
24
                     All right. And notwithstanding that, you
                Q
25
      held that against her, the fact that there was no -- no
```

```
35
 1
      violation of safety standards?
                     What -- what was actually -- sorry.
 2
 3
                MR. PIERSALL: I was going to object. Go ahead
           and answer.
 5
                THE WITNESS: I think what was said was the
 6
           standard of care was met. However, the -- the original
 7
          piece was associated with her professional behavior.
 8
      BY MR. MEZIBOV:
 9
                    All right. Let me make sure we have these
10
      documents. Number one -- 29 has been marked, correct? You
11
      have that?
12
                     Sorry. I'm having --
                Α
13
                    Would you look --
                Q
14
                     Sorry. You dropped out. Can you please
                Α
15
      repeat what you were saying?
16
                    Yeah. 29, you have in front of you; we've
17
      marked that.
18
                MR. PIERSALL: Yes.
19
                THE WITNESS: Yes. Yes.
20
      BY MR. MEZIBOV:
21
                   And we have -- We have Exhibit 18? You've
22
      seen that?
23
                    Yes.
                Α
24
                     Could you look at Exhibit 28, please?
                Q
25
                Α
                     Yes.
```

```
36
 1
                0
                     I know that's a -- that's a multipage
      document. Have you seen all these letters --
 2
 3
                Α
                     Yes.
                     -- in Exhibit 28?
                0
 5
                I'm not going to go through them. Have -- Have
      you received them all?
 6
 7
                     Yes.
                Α
 8
                     Have you read them all?
                Q
 9
                Α
                     Yes.
                     And you considered them all?
10
                0
11
                     Yes.
                Α
12
                     And Exhibit 30, have you received that?
                0
13
      again is a multipage exhibit.
14
                Α
                     Yes.
15
                     Did you receive all these documents?
                0
16
                Α
                     Yes.
                     Did you read them?
17
                Q
18
                Α
                     Yes.
                     Did you consider them?
19
                Q
20
                Α
                     Yes.
21
                     Is there any independent research or any
22
      independent investigation that you did outside of the
23
      documents that you've told us about today?
24
                     Based upon the policy, that is not part of
                Α
25
      the process.
```

1 MR. MEZIBOV: Okay. Why don't we take another few 2 minutes? We may be close to or done. Okay? 3 MR. PIERSALL: Sure. THE WITNESS: Thank you. 5 COURT REPORTER: You're off the record. (BREAK - 3:05 to 3:15 6 COURT REPORTER: We are back on the record. 8 Mr. Mezibov, I believe you wanted to just close it 9 out? 10 MR. MEZIBOV: Yeah. Yeah, I have no further questions. Appreciate it. I'm sorry for the 11 12 disruptions. 13 MR. PIERSALL: Thank you, Marc. Just for the 14 record, I don't know that we ever identified the 15 exhibit, but the patient safety report at WPMC 4 May, 16 that you had -- It was Exhibit quadruple B. I just 17 wanted to put it on the record that --18 MR. MEZIBOV: You want to just call it quadruple 19 B? 20 MR. PIERSALL: We had introduced it with Jackie, 21 so it's already --22 MR. MEZIBOV: That's what -- That's what I 23 thought. I don't have it. I don't think it -- That's 24 what I was looking -- I was looking for our -- the 25 exhibit; I couldn't find it. That's why I ran around

```
38
          trying to find it. Is it -- It's in the record?
 1
 2
                MR. PIERSALL: It's quadruple B. What's that?
               MR. MEZIBOV: Is it in the record?
 3
               MR. PIERSALL: Yes.
 5
               MR. MEZIBOV: All right. It's going to be called
          triple B or whatever. It is --
 6
 7
                MR. PIERSALL: Quadruple B.
 8
                MR. MEZIBOV: All right. That's it.
 9
               MR. PIERSALL: Yes, we introduced it with Jackie.
10
               MR. MEZIBOV: That's fine.
               MR. PIERSALL: And she will read, Debbie.
11
12
               COURT REPORTER: Thank you.
                          * * * * * * * * * *
13
14
                (WHEREUPON, THE DEPOSITION OF SUSAN EDWARDS,
15
     Ph.D., WAS CONCLUDED AT 3:16 P.M.)
16
17
18
19
20
21
22
23
24
25
```

11	40
JACQUELYN MARES, M.D. v MIAMI VALLEY HOSPITAL, et al. UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO WESTERN DIVISION, CASE NO.: 3:20-cv-00453  CORRECTIONS  Pg. Ln. Reads Should Read Reasons Therefore  7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIOMESTERN DIVISION, CASE NO.: 3:20-cv-00453  CORRECTIONS  Pg. Ln. Reads Should Read Reasons Therefore  Pg. Ln. Reads Should Read Reasons Therefore  10	
WESTERN DIVISION, CASE NO.: 3:20-cv-00453  CORRECTIONS  Pg. Ln. Reads Should Read Reasons Therefore	
6 Pg. Ln. Reads Should Read Reasons Therefore 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 SUSAN EDWARDS, Ph.D.	
7	
8 9 10 10 11 12 13 14 15 16 17 18 19 20 21 22 SUSAN EDWARDS, Ph.D.	
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21 22 SUSAN EDWARDS, Ph.D.	
22 SUSAN EDWARDS, Ph.D.	
SUSAN EDWARDS, Ph.D.	
	_
24	
25	

	2	7	29/12 29/22 32/21 33/8	
BY MR. MEZIBOV:	<b>20 [1]</b> 40/2	<b>7662 [1]</b> 2/9	33/9 34/2 34/4 34/24	Assuming [1] 22/21
<b>[13]</b> 8/5 13/8 14/1	2016-RE-581295 [1]	<b>7895 [1]</b> 2/22	35/9 36/2 36/6 36/8	assumption [1] 24/11
21/14 21/24 23/8 23/20	39/22	8	36/10 36/15 38/5 38/8 39/12	<b>at [33]</b> 1/14 1/15 3/3 5/19 5/21 6/2 8/6 8/11
26/15 27/18 29/11 33/3	<b>2017</b> [1] 14/20		allow [1] 15/6	11/5 11/9 13/10 14/10
35/8 35/20	<b>2018 [5]</b> 16/8 29/5	813-7895 [1] 2/22	along [1] 23/2	16/11 16/16 16/18 17/9
COURT REPORTER:	29/15 33/12 34/16	<b>85 degrees [1]</b> 26/3 <b>8534 [1]</b> 2/20	already [2] 27/24 37/21	
<b>[14]</b> 5/1 5/9 5/25 6/6 6/14 6/17 6/21 26/11	<b>2019 [1]</b> 10/24 <b>2020 [1]</b> 8/20	<b>8800</b> [1] 2/5	also [9] 2/23 11/19	26/17 27/17 27/19 28/9
26/13 32/25 33/2 37/5	<b>2022 [4]</b> 1/14 39/7	<b>8839 [1]</b> 1/20	12/23 14/9 14/12 14/23	30/23 31/18 33/19
37/7 38/12	39/18 40/2	<b>8:04 [1]</b> 33/12	16/7 20/20 23/6	33/20 34/9 34/9 35/24
MR. MEZIBOV: [22]	<b>2026 [1]</b> 39/23		am [6] 8/24 9/13 9/23	37/15 38/15
5/7 6/23 7/1 7/3 7/8	<b>20th [2]</b> 1/14 39/7	9	10/18 39/15 39/16	attempt [1] 34/8
7/20 7/25 13/5 26/4	<b>224-4411 [1]</b> 2/13	90 [1] 26/6	another [1] 37/1 answer [13] 5/16 7/14	attending [2] 30/11 30/15
26/6 26/10 26/14 29/9	<b>24 [2]</b> 13/21 13/24	900 [1] 2/12	7/14 7/22 7/22 7/22	audible [1] 8/3
32/21 37/1 37/10 37/18	<b>26 [1]</b> 4/3	937 [1] 2/22 9th [1] 10/24	21/8 21/20 22/23 23/12	August [2] 39/18 39/23
37/22 38/3 38/5 38/8 38/10	<b>28 [3]</b> 4/6 35/24 36/4 <b>29 [10]</b> 4/4 4/7 11/9	911[1] 10/24	25/21 27/14 35/4	available [2] 3/5 39/14
MR. PIERSALL: [25]	11/11 13/25 14/3 14/4	A	any [19] 9/9 9/11 9/19	aware [1] 6/7
5/8 13/3 13/25 21/8	30/23 35/10 35/16	<b>a.m [1]</b> 33/12	9/25 15/16 16/25 16/25	away [1] 26/8
21/20 22/23 23/19	<b>2:05 [1]</b> 1/14	absence [1] 14/24	17/18 19/13 20/5 21/10	В
25/20 26/2 26/5 26/8	<b>2:32 [1]</b> 26/12	absolutely [4] 6/20	25/17 27/1 28/16 34/6 36/21 36/21 39/15	baby [1] 9/15
27/14 29/8 29/10 32/24	<b>2:39 [1]</b> 26/12	7/24 16/13 17/24	39/16	back [5] 12/4 26/9
35/3 35/18 37/3 37/13	<b>2:48 [1]</b> 33/1	academic [1] 28/9 accept [2] 22/17 29/19	anybody [5] 15/21	26/13 33/2 37/7
37/20 38/2 38/4 38/7	<b>2:59 [1]</b> 33/1	accept [2] 22/17 29/19 acceptable [1] 27/13	16/14 18/10 18/23	Base [1] 30/20
38/9 38/11 THE WITNESS: [19]	3	accepts [1] 25/15	20/12	based [13] 11/5 12/7
5/23 6/5 6/13 6/16 6/20	<b>30 [2]</b> 4/8 36/12	accomplish [1] 7/12	anyone [1] 23/4	16/24 20/14 22/11
7/2 7/7 7/19 7/24 8/4	<b>312 [1]</b> 2/9	action [3] 18/3 23/2	anything [4] 17/9	22/25 33/19 33/24 34/7
13/7 21/10 21/21 22/24	<b>35 [2]</b> 4/5 4/6	39/16	17/22 21/16 25/10	34/12 34/14 34/15
25/22 27/16 35/5 35/19	<b>36 [1]</b> 4/8	actions [1] 22/25	apologize [2] 10/11	36/24
37/4	<b>37 [1]</b> 4/9	actual [1] 13/5	33/4 appeal [12] 11/13	basic [1] 9/13 basically [3] 15/10
	<b>38 [1]</b> 39/12	additional [1] 29/13	12/16 12/18 13/11	15/19 20/19
I FOI 45/05 47/47	<b>3800</b> [1] 2/8	address [1] 34/5 administrative [1]	13/24 14/5 15/11 15/24	BBBB [1] 4/9
'cause [3] 15/25 17/17 26/3	<b>3:05 [1]</b> 37/6 <b>3:15 [1]</b> 37/6	15/12	16/3 17/8 18/4 21/23	begin [3] 6/22 7/21
'til [1] 26/6	<b>3:16 [2]</b> 1/15 38/15	admits [1] 22/19	appealing [1] 13/18	7/23
111 20/0	3:20-cv-00453 [2] 1/6	admitted [2] 22/20	APPEARANCES [1]	beginning [1] 1/14
-	40/4	22/21	2/1	behalf [1] 5/10
-v [1] 1/7	<b>3rd [2]</b> 29/5 34/13	affected [1] 10/1	appeared [2] 28/8 39/7	benavior [2]   28/14     35/7
0	4	affirm [1] 6/17	appointed [1] 23/14 appreciate [2] 33/18	being [6] 6/7 6/24
<b>00453 [2]</b> 1/6 40/4	<b>43215 [1]</b> 2/13	affirmed [1] 22/8 afternoon [4] 5/1 7/1	37/11	16/24 22/12 31/24 32/7
00400 [Z] 1/0 40/4	<b>4411 [1]</b> 2/13	7/2 7/5	appreciated [1] 5/15	believe [2] 30/24 37/8
1	<b>45202 [1]</b> 2/4	again [15] 5/10 5/19	appropriate [1] 16/23	best [2] 11/25 13/2
1/9/19 [1] 4/5	<b>45247 [1]</b> 1/20	7/20 16/15 20/12 20/13	approximately [1] 8/19	
105 [1] 2/4	<b>45458 [1]</b> 2/21	23/13 24/1 24/1 25/8	around [1] 37/25	biases [1] 25/7
<b>10th [1]</b> 33/12	<b>470-7662 [1]</b> 2/9	26/16 26/17 28/13	ascertain [1] 27/23 ask [4] 10/16 11/7 11/8	bit [1] 5/11
11 [1] 4/7	<b>4th [3]</b> 14/11 31/19	30/23 36/13	32/1	Boonshoft [2] 14/21
<b>11/14/18 [1]</b> 4/3 <b>12 [1]</b> 39/23	39/18	against [1] 34/25	asked [1] 27/1	23/5
12[1] 39/23 12/3/18[1] 4/4	5	ago [1] 13/22 agree [2] 6/12 33/17	asking [5] 7/4 7/12	both [1] 23/5
14 [1] 4/6	<b>513 [1]</b> 2/5	agreement [1] 39/7	10/10 10/14 33/8	break [4] 6/2 32/22
<b>14th [1]</b> 16/8	<b>513-708-6607 [1]</b> 1/21	ahead [3] 23/19 26/7	assess [2] 24/9 25/8	33/1 37/6
<b>15 [1]</b> 4/8	<b>55 [1]</b> 2/7	35/3	assessment [1] 20/21	burden [2] 24/14 24/14
<b>16 [3]</b> 4/3 26/16 26/17	<b>581295 [1]</b> 39/22	Air [1] 30/20	assigned [2] 21/5	Butler [1] 2/3
<b>17 [3]</b> 2/12 4/4 29/9	6	al [2] 1/8 40/3	27/24 Assistant [1] 2/16	С
<b>18 [4]</b> 4/3 4/4 4/5 35/21		ALBERT [1] 2/25	<b>Assistant [1]</b> 2/16 <b>associated [6]</b> 9/23	call [1] 37/18
<b>18th [1]</b>	<b>60603 [1]</b> 2/8 <b>614 [1]</b> 2/13	<b>all [36]</b> 8/6 8/21 9/14 11/5 11/18 13/1 13/20	18/23 23/4 30/14 35/7	called [3] 6/24 13/21
1st [1] 8/20	<b>615 [1]</b> 2/3	15/19 16/19 17/25 18/8	39/15	38/5
	<b>621-8800 [1]</b> 2/5	20/14 20/19 20/19 21/4	assume [5] 5/3 21/3	came [7] 11/6 12/3
	<b>6607 [1]</b> 1/21	24/9 25/22 26/1 26/19	23/23 24/8 24/13	15/8 17/16 25/1 25/22
				DV MD MEZIDOV

MIAMI VALLEY HOSPITAL				July 20, 2022
С	conduct [1] 11/4	2/10 2/19	29/5 30/21 31/4 33/5	ethical [1] 23/7
	conducting [1] 25/25	deficiencies [2] 29/15	33/6 34/4	ethically [1] 25/25
came [1] 29/23	confirm [1] 6/7	29/17	<b>Dr. Dunn [4]</b> 12/9	even [3] 6/8 7/25 18/13
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